

1 BRIAN J. STRETCH (CABN 163973)
2 Acting United States Attorney

3 DAVID R. CALLAWAY (CABN 121782)
4 Chief, Criminal Division

5 GARTH HIRE (CABN 187330)
6 Assistant United States Attorney

7 1301 Clay Street, Suite 340-S
8 Oakland, California 94612
9 Telephone: (510) 637-3723
10 Facsimile: (510) 637-3724
11 E-mail: Garth.Hire@usdoj.gov

12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA

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15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA
18
19 OAKLAND DIVISION

20 UNITED STATES OF AMERICA,

21 No. CR 15-00266 HSG

22 Plaintiff,

23 v.
24 STIPULATION REGARDING REQUEST FOR:
25 (1) CONTINUANCE OF HEARING DATE
26 AND (2) FINDINGS OF EXCLUDABLE TIME
27 PERIODS PURSUANT TO SPEEDY TRIAL
28 ACT

29 JEREMY JAMES LUCKETT,
30 DAMIEN ZACKARY LEWIS, and
31 CHRISTOPHER MICHAEL CROSS,

32 Defendants.
33
34 Current Hearing Date: December 7, 2015
35 Proposed Hearing Date: January 11, 2016

36 Plaintiff United States of America, by and through its counsel of record, the United States
37 Attorney for the Northern District of California and Assistant United States Attorney Garth Hire,
38 defendant Jeremy James Luckett (LUCKETT), by and through his counsel of record, Rabin Nabizadeh
39 and Ryan McHugh, defendant Damien Zackary Lewis (LEWIS), by and through his counsel of record,
40 Edwin M. Prather, and defendant Christopher Michael Cross (CROSS), by and through his counsel of
41 record, Irvin Leroy Simons, hereby stipulate as follows:
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1. On May 14, 2015, a federal grand jury returned an indictment against defendants
2 LUCKETT, LEWIS, and CROSS (collectively, defendants). Defendants were charged with: (1)
3 conspiracy to distribute, and to possess with intent to distribute, methamphetamine and cocaine in
4 violation of 21 U.S.C. §§ 846, 841(b)(1)(A)(viii) and (b)(1)(B)(ii); (2) possession with intent to
5 distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii); and (3) possession
6 with intent to distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(ii).

7. All defendants have been made their initial appearances and have been arraigned on the
8 charges. Defendant LUCKETT is detained pending trial. Defendants LEWIS and CROSS are
9 presently on pre-trial release. A status conference is currently scheduled in this matter at 2 p.m. on
10 Monday, December 7, 2015, following a court order continuing the matter to that date from November
11 30, 2015.

12. The government has produced, and is continuing to produce, discovery in this case. In
13 fact, the government has produced approximately 1,100 pages of discovery including criminal history
14 and arrest reports, law enforcement reports, financial records, photographs, and travel and flight-
15 related business records. The government is preparing to produce additional documentation relating to
16 travel and flight-related business records.

17. Counsel for defendants represent that they require additional time to review and
18 analyze the discovery already produced and soon to be produced, meet with their clients, and discuss
19 the case with their clients. Counsel for defendants also represent that they will need additional time to
20 conduct and complete an independent investigation of the case, conduct and complete additional legal
21 research including for potential pre-trial motions, review the potential evidence in the case, and
22 prepare for trial in the event that a pretrial resolution does not occur. Counsel for defendants also
23 represent that failure to grant the continuance would deny them reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence. Counsel for defendants agree that the
25 requested exclusion of time is not based on congestion of the Court's calendar, lack of diligent
26 preparation on the part of the attorney for the government or the defense, or failure on the part of the
27 attorney for the government to obtain available witnesses. Thus, the time period of November 30,
28

1 2015, through January 11, 2016, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i)
2 and (h)(7)(B)(iv).

3 5. Counsel for defendants represent that they have fully informed their clients of their
4 Speedy Trial rights and that, to their knowledge, their clients understand those rights and agree to
5 waive them. Defendants' counsel further believes that their clients' decision to give up the right to be
6 brought to trial earlier than if time were not excluded from the Speedy Trial Act is an informed and
7 voluntary one.

8 6. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy
9 Trial Act dictate that additional time periods be excluded from the period within which trial must
10 commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the
11 future authorize the exclusion of additional time periods from the period within which trial must
12 commence.

13 IT IS SO STIPULATED.

14 Dated: December 3, 2015

BRIAN J. STRETCH
Acting United States Attorney

16 /S/ *Garth Hire*
17 GARTH HIRE
18 Assistant United States Attorney

19
20 Attorneys for Plaintiff
21 UNITED STATES OF AMERICA

22 /S/ *per e-mail authorization*
RABIN NABIZADEH/RYAN MCHUGH
23 Attorneys for Defendant
24 James Jeremy Luckett

12/1/2015

25 Date

26 /S/ *per e-mail authorization*
EDWIN M. PRATHER
27 Attorney for Defendant
Damien Zackary Lewis

12/1/2015

Date

28 /S/ *per e-mail authorization*
IRVIN LEROY SIMONS
Attorney for Defendant
Christopher Michael Cross

12/1/2015

Date

1 **[PROPOSED] ORDER**

2 The Court has read and considered the Stipulation Regarding Request for Continuance of
 3 Hearing Date and Findings of Excludable Time Period Pursuant to Speedy Trial Act, filed by the
 4 parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by
 5 reference into this Order, demonstrates facts that provide good cause for a finding of excludable time
 6 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

7 The Court further finds that: (i) the ends of justice served by the continuance outweigh the best
 8 interest of the public and defendants in a speedy trial; (ii) failure to grant the continuance would be
 9 likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice; and
 10 (iii) failure to grant the continuance would unreasonably deny defendants and the government
 11 continuity of counsel and would deny defense and government counsel the reasonable time necessary
 12 for effective preparation, taking into account the exercise of due diligence.

13 THEREFORE, FOR GOOD CAUSE SHOWN:

14 The time period of November 30, 2015, to January 11, 2016, inclusive, is excluded in
 15 computing the time within which the trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
 16 (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding that other provisions of the
 17 Speedy Trial Act dictate that additional time periods are excluded from the period within which trial
 18 must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may
 19 in the future authorize the exclusion of additional time periods from the period within which trial must
 20 commence.

21 IT IS SO ORDERED.

22 DATE



23 HAYWOOD S. GILLIAM, JR.
 24 UNITED STATES DISTRICT JUDGE